

F. CREEM

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1 then, but I kept my foot in the area, on it,  
2 and then when I saw I wasn't getting as --  
3 getting as far away as I wanted to be and I  
4 saw I was getting too close to her, I just  
5 put my hands on the wheel, held onto them  
6 and stomped on my brake and said help me  
7 Jesus, that's all. I saw -- I didn't like  
8 how close I was getting.  
9

10 Q. Let's talk about the first time you put your  
11 foot on the brake. Did your vehicle change  
12 the speed it was going the first time you  
13 put your foot on the brake?

14 A. It slowed, but not to my satisfaction.

15 Q. How far were you from the red vehicle when  
16 you first did that?

17 A. About almost a car length.

18 Q. At that point was the red car still moving  
19 or had it stopped?

20 A. No. It was still moving.

21 Q. Did the distance between your car and the  
22 red car continue to shorten after that  
23 point?

24 A. Not enough to make me happy. I like a lot  
25 of room between cars.

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Q. I understand. In other words, the first time you say you put your foot on the brake, did the distance between your car and the red car, did they get closer?

A. Yes.

Q. When you realized you were getting closer, did you put more force on your foot pressing down on the brake?

A. Yes.

Q. What happened, if anything, when you did that?

A. It slowed, but not good enough for my feeling.

Q. At any time before --

MR. GIANNINI:

Withdrawn.

Q. Eventually there was a contact between the front of your vehicle and the rear of the red vehicle?

A. Yes.

Q. At any time before that did you see the red car come to a stop?

A. Not a stop, no. It was always in front of me.

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Q. Did you see it change its speed or decrease its speed?

A. I think it changed its speed because it was there.

Q. When you say it changed its speed did it go slower or faster?

A. Slower.

Q. When you saw it change its speed to a slower speed is that when you put more force on the brake?

A. Yes. The more I saw it in front of me the more I applied the brake.

Q. As you did that was there -- did anything happen with respect to your vehicle?

A. It stopped a little bit, but not -- it just kept going slower. Like I say, there was the incline, so I could feel the momentum of the hill.

MR. O'SHAUGHNESSY:

Indicating the downward direction.

MR. GIANNINI:

Q. When you say in -- (interrupted)

A. Down the hill. It goes like this and goes like that and it gets more elevation to it,

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it gets more momentum (indicating).

MR. O'SHAUGHNESSY:

Indicating cresting over a hill and  
then going down.

MR. GIANNINI:

Q. If I understand you correctly before, there  
came a time when you put more force on the  
brake; correct?

A. Uh-huh.

Q. Yes?

A. Yes.

Q. At the time that you did that, what was the  
red car doing ahead of you?

A. It was just going.

Q. It was moving?

A. You know, it was near me. It had to be  
moving. It was there. I don't know how to  
describe it.

Q. I'm just trying to find out -- (interrupted)

A. It didn't stop.

Q. Let me ask you this question --  
(interrupted)

A. Like I said, is it didn't -- (interrupted)

Q. Let me ask you this question: At any time

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did you see the red car come to a stop?

A. Dead stop, no.

Q. When you applied the brake more forcibly as you described before, did you press down as hard as you could?

A. I stomped on them.

Q. You stomped on them?

A. Yes.

Q. Does that mean you continually had your foot pressing down on the brake?

A. Yes.

Q. What happened, if anything?

A. I hit her.

Q. Your vehicle did not come to a stop?

A. No.

Q. Let me rephrase that question. Did your vehicle come to a stop before the contact with the red vehicle?

A. No.

Q. How would you describe the impact between your vehicle and the red vehicle?

A. Loud bang and she pulled over to the side.

Q. Was it a heavy impact or medium impact? How would you describe it?

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A. To me it sounded very heavy.

Q. When you say she pulled over to the side, you are talking about the operator of the red vehicle?

A. Uh-huh.

Q. Yes?

A. Yes.

Q. Which side did she pull over?

A. To the driver's side.

Q. So she went further into the roadway?

A. Yes.

Q. Did you see what happened to that red vehicle, if anything, when she did that?

A. She kept going and I kept going.

Q. How far did your vehicle travel after the contact?

A. I don't know.

Q. Do you know how far the red car traveled?

A. When it happened I said wait, we have to stop. She had pulled out or whatever happened and I kept after her. When I saw her car I stopped. I pulled my car over.

Q. Eventually the red car came to a stop somewhere on Route 32?



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A. Yes. When they took me out of the car. I didn't move.

Q. What hospital did you go to?

A. Benedictine in Kingston. Like I said, I was rooted to that spot.

Q. Before the contact occurred and you started to apply your brake as you described, do you recall immediately before you began to apply the brake what speed you were traveling at?

A. About 45 or 50. Approximately from what I remember.

Q. Can you tell me if the speed of your vehicle changed as a result of you applying the brake at any time before the contact?

A. Not enough.

Q. What do you mean not enough?

A. I applied the brake, but to me I just didn't like what was going on. I wanted to do better than that. It didn't.

Q. Can you tell me if it changed speed at all as a result of you applying the brake?

A. Truthfully, I don't know. I think it did, but not enough to make me happy.

Q. Did you -- (interrupted)

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A. No.

Q. Did you ever have any other conversations with the driver of the red car?

A. No.

MR. GIANNINI:

Thank you very much.

MR. KONDULIS:

I have just a few questions.

EXAMINATION BY MR. KONDULIS:

Q. If I understand you correctly, at the time there was the contact in front of your vehicle and the rear of the red car, was the red car still moving -- was it stopped or moving?

A. Moving, I guess.

Q. At the time of that contact between the front of your vehicle and the rear of the red car, could you estimate how fast your vehicle was moving at that point, the speed of your vehicle?

MR. O'SHAUGHNESSY:

Do you have an approximation?

MR. KONDULIS:

Q. Do you know?



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2 A. Maybe 40.

3 Q. At the time that contact took place with the  
4 front of your vehicle and the rear of the  
5 red car, was that white truck still in the  
6 area?

7 A. I didn't -- I was busy concentrating on the  
8 red car because she was in front of me.

9 Q. You mentioned a white truck before.

10 A. To me the white truck was gone. All I saw  
11 was her car. When I hit it I saw her move  
12 and then the road was empty.

13 Q. Can you estimate approximately for how long  
14 you had been traveling behind the red car?

15 MR. O'SHAUGHNESSY:

16 From the time she first saw it?

17 MR. KONDULIS:

18 Yes.

19 Q. From the time you first saw it until the  
20 time the actual contact took place?

21 A. I don't remember when I first saw it. It  
22 was quite a distance.

23 Q. While you were traveling behind the red car,  
24 were you -- was your vehicle always directly  
25 behind the red car or were there other cars